

Remarks

This application has been reviewed in light of the Office Action of October 7, 2004. Claims 1-20 are pending. Claims 1-10 are rejected, and claims 11-20 are allowed. In response, claims 1-4 are amended; and the following remarks are submitted. Reconsideration of this application, as amended, is requested.

Claims 1-10 are rejected under 35 USC 102 over McKenney US Patent 6,028,712. Applicant traverses this ground of rejection.

The following principle of law applies to sec. 102 rejections. MPEP 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ... claim. The elements must be arranged as required by the claim..." [citations omitted] This is in accord with the decisions of the courts. Anticipation under section 102 requires 'the presence in a single prior art disclosure of all elements of a claimed invention arranged as in that claim.' Carella v. Starlight Archery, 231 USPQ 644, 646 (Fed. Cir., 1986), quoting Panduit Corporation v. Dennison Manufacturing Corp., 227 USPQ 337, 350 (Fed. Cir., 1985)

Thus, identifying a single element of the claim which is not disclosed in the reference is sufficient to overcome a Sec. 102 rejection.

Claim 1 is amended to include the recitations of claims 2, 3, and 4:

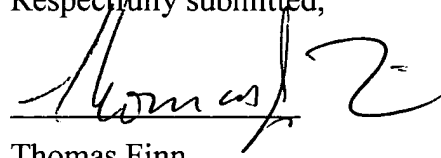
"the optical property is a spatially varying index of refraction of the transmission optical corrector, a spatially varying diffractive property of the transmission optical corrector, or a spatially varying diffractive property of the transmission optical corrector".

McKenney has no such disclosure. Accordingly, claim 1 and its dependent claims 2-10 are believed allowable over this ground of rejection.

Applicant asks that the Examiner reconsider and withdraw this ground of rejection.

Applicant submits that the application is now in condition for allowance, and requests such allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Finn", is written over a horizontal line.

Thomas Finn

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